

JACK H. CARLISLE

IBLA 72-190

Decided September 24, 1973

Appeal from a decision of the Alaska State Office, Bureau of Land Management, denying a request for extension of time to comply with the homestead requirements and requiring submission of final proof for homestead entries AA-511 and AA-957.

Affirmed.

Homesteads (Ordinary): Generally! ! Homesteads (Ordinary):
Cancellation of Entry

Where an entryman requests an extension of time in which to file final proof and asserts that he needs the extension to comply with the residence and cultivation requirements of the homestead law, the extension will not be granted and the entry will be properly canceled.

APPEARANCES: Jack H. Carlisle, pro se.

OPINION BY MR. GOSS

Jack H. Carlisle has appealed to the Secretary of the Interior from a decision of the Alaska State Office, Bureau of Land Management, dated November 11, 1971, which denied his request for an extension of time to comply with the homestead requirements for his entries AA-511 and AA-957.

Appellant's homestead entry, AA-511, covering the SE 1/4 NW 1/4 sec. 4, T. 17 N., R. 2 W., Seward Meridian, was allowed on January 30, 1967. His additional homestead, entry AA-957, for the W 1/2 SW 1/4 of the same section 4 was allowed on August 1, 1967.

The Land Office advised appellant by a courtesy notice that the time fixed by law within which to file final proof on his original entry would expire January 29, 1972. In response, appellant filed a request for an extension of time in which to complete the required residence and cultivation. He indicated that the

uncertainty about receiving patent to the land had made him unwilling to gamble the money necessary to finish proving up on his entry.

Appellant takes issue with the Bureau's denial of the extension. He reiterates his position, essentially, that he did not proceed with his homestead due to the publicized "Land Freeze" and "Native Claims" and conflicting information as to their effect on homestead entries.

Under the provisions of the homestead laws, 43 U.S.C. §§ 270 et seq. (1970), and the regulations, 43 CFR Subparts 2511 and 2567, appellant was required to fulfill all homestead requirements relative to residence and cultivation by January 29, 1972, ! ! prior to the expiration of the original entry ! ! and to file final proof by that time.

By his own statement on appeal, appellant has tacitly admitted that he failed to comply with the residence, cultivation or other requirements of the homestead law within the five! year period provided by law. Under such circumstances, the entry will properly be canceled. Robert J. Crawford, 6 IBLA 154 (1972).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss
Member

We concur:

Martin Ritvo
Member

Edward W. Stuebing
Member

